



# Public Notice

**US Army Corps  
of Engineers**  
Louisville District

Public Notice No.

Date:

Closing Date:

200400381

22 Jul 04

20 Aug 04

Please address all comments and inquiries to:  
U.S. Army Corps of Engineers, Louisville District  
ATTN: Mr. Michael D. Hasty, CELRL-OP-FN  
P.O. Box 59  
Louisville, Kentucky 40201-0059

Phone: (502) 315-6676

This notice announces an application submitted for a Department of the Army (DA) Permit, subject to Section 404 of the Clean Water Act (CWA) and for State Water Quality Certification pursuant to Section 401 of the CWA from the Indiana Department of Environmental Management, Office of Water Quality.

APPLICANT: Mr. Steve Sherwood  
Warrick County Board of Commissioners  
107 W. Locust Street  
Courthouse, Room 208  
Boonville, Indiana 47601

AGENT: Mr. Jeremy Kieffner  
Bernardin, Lochmueller & Associates, Inc.  
6200 Vogel Road  
Evansville, Indiana 47715-4006

LOCATION: The project is located along County Road 750 (Seven Hills Road) at Warrick County bridges #43 and 44 over Pigeon Creek, near the city of Elberfeld, Indiana.

Latitude: 38°-08'-35"  
Longitude: 87°-24'-35"  
7.5 Minute Quad: ELBERFELD, INDIANA

PURPOSE: The purpose of the project is to reconstruct CR 750 and to replace Warrick County bridges #43 and 44.

DESCRIPTION OF WORK: The applicant proposes to fill 1,525 linear feet of four stream channels (Pigeon Creek and three unnamed tributaries of Pigeon Creek) and 5.04 acres of jurisdictional wetlands (see figure 2) to facilitate roadway improvements to two Warrick County bridges (# 43 and 44) and CR 750 (Seven Hills Road) in Warrick County, Indiana. The wetlands and stream channels are proposed to be filled with approximately 31,672 cubic yards of B-Borrow fill material.

MITIGATION: As mitigation for the wetland impacts associated with this project, the applicant proposes to create 20.16 acres of forested wetlands off-site, but within the greater Pigeon Creek drainage basin. Under the mitigation plan the 20.16 acres would be converted from farm fields to forested wetlands. The fields lie adjacent to existing wetlands, a small lake and Stollberg Ditch (see figure 3). In addition, 1.53 acres of buffer strips are proposed and 8.81 acres of existing forested wetlands would be purchased by Warrick County under the mitigation plan.

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The applicant has also prepared a planting scheme, an implementation schedule, and a post-construction monitoring plan for the mitigation areas. This information can be obtained from the Louisville District upon written request.

It is noted that this proposed mitigation plan is open to comment and subject to change. The Corps will make a determination of appropriate mitigation, upon review of all submitted information.

REVIEW PROCEDURES: A DA Permit cannot be issued if any legally required Federal, State, or local authorization or certification is denied.

A DA Permit, if otherwise warranted, will not be issued on this project until a State of Indiana Section 401 Water Quality Certification (WQC) from the Indiana Department of Environmental Management (IDEM) is on file in this office or it is considered waived. This Public Notice serves as the notice for a Clean Water Act Section 401 application for water quality certification from the IDEM. IDEM will review this proposal for compliance with the applicable provisions of Section 301, 302, 303, 306 and 307 of the CWA, including the state water quality standards currently set forth at 327 IAC 2. They will consider comments regarding this proposal postmarked by the closing date of this notice. Comments to IDEM should be addressed to: IDEM, Office of Water Quality, Section 401 WQC Program, 100 N. Senate Av. Room 1255, P. O. Box 6015, Indianapolis, Indiana 46206-6015. The applicant is responsible for obtaining the certification from IDEM.

Copies of this notice are sent to the appropriate Federal and State Fish and Wildlife Agencies. Their views and comments are solicited in accordance with the Fish and Wildlife Coordination Act of 1956. Based on available information, the proposed activity will not destroy or endanger any Federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act, and therefore, initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. A request for a public hearing must state the specific interest, which might be damaged by issuance of the DA Permit.

The National Register of Historic Places has been examined and it has been determined that there are no properties currently listed on the Register which would be directly affected by the proposed work. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archaeological, scientific, prehistorical, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 - Public Law 89-665 as amended (including Public Law 96-515).

The decision whether to issue a permit will be based on an evaluation

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of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered; among those are conservation, economics, aesthetic values, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use, navigation, recreation, water supply, water quality, energy needs, safety, food production, and in general, the needs and welfare of the public. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines (40 CFR Part 230) promulgated by the Administrator, United States Environmental Protection Agency (USEPA), under authority of Section 404(b) of the CWA.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Written statements received in this office on or before the closing date will become a part of the official record and will be considered in the determination on this permit request. Any objections, which are received during this period, will be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. A permit will be granted unless its issuance is found to be contrary to the public interest.

Information pertaining to this application is available for public examination during normal business hours upon prior request. All comments regarding this proposal should be addressed to Mr. Michael Hasty, CELRL-OP-FN at the address noted above and should refer to the Public Notice Number 200400381.